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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
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12 UNITED STATES OF AMERICA,)

13 Plaintiff,)

14 v.)

15 APPROXIMATELY \$67,574 IN UNITED)
16 STATES CURRENCY,)

17 Defendant.)

Case No.: C 09-0338 PVT

**ORDER CONTINUING CASE
MANAGEMENT CONFERENCE AND
SETTING DEADLINE FOR CLAIMANT TO
FILE EITHER A "CONSENT TO PROCEED
BEFORE A UNITED STATES MAGISTRATE
JUDGE," OR ELSE A "DECLINATION TO
PROCEED BEFORE A UNITED STATES
MAGISTRATE JUDGE AND REQUEST FOR
REASSIGNMENT"**

18 On March 27, 2009, Plaintiff filed a Settlement Agreement (which was signed by putative
19 claimant Angel Randy Palacios and his counsel) and a proposed Judgment of Forfeiture.¹ Plaintiff
20 has consented to Magistrate Judge jurisdiction. Based on the file herein,

21 IT IS HEREBY ORDERED that the Case Management Conference is continued to 2:00 p.m.
22 on June 16, 2009.

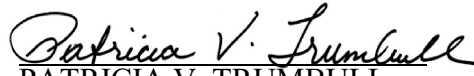
23 IT IS FURTHER ORDERED that no later than June 5, 2009, putative claimant Palacios shall
24 file either a "Consent to Proceed Before a United States Magistrate Judge," or else a "Declination to
25 Proceed Before a United States Magistrate Judge and Request for Reassignment." Both forms are
26 available from the clerk of the court, or from the Forms (Civil) section of the court's website at
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28 ¹ The holding of this court is limited to the facts and the particular circumstances
underlying the present motion.

1 www.cand.uscourts.gov. The Ninth Circuit has found that, with consent of the government, a
2 Magistrate Judge has jurisdiction to enter judgment in a forfeiture action where the record owner of
3 the property has not timely filed a claim “to inform the court that there is a claimant to the property
4 who wants it back and intends to defend it.” *See United States v. Real Property*, 135 F.3d 1312,
5 1316-17 (9th Cir. 1998). In the present case, while putative claimant Palacios has not filed a claim,
6 by signing the settlement agreement filed with the court he has informed the court that there is a
7 claimant to the property who wants at least a portion of it back. Under the present circumstances, the
8 court finds it appropriate to determine whether or not the putative claimant consents to Magistrate
9 Judge jurisdiction before entering the proposed judgment.

10 IT IS FURTHER ORDERED that Plaintiff shall promptly serve a copy of this order on
11 counsel for the putative claimant, and shall file a proof of such service no later than May 20, 2009.

12 Dated: 5/15/09

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14 PATRICIA V. TRUMBULL
15 United States Magistrate Judge
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